

## THE MACFARLANE TRUST

A meeting of the Board of Trustees held on Monday 21 January 2013 at 10.15am  
at The New Cavendish Club, 44 Great Cumberland Place, London W1H 7BS

<b>PRESENT</b>	Mr R Evans	(Chairman)
	Mrs E Boyd	(Chair of NSSC)
	Mr A Burgess	
	Mr M Gregory	
	Mr R Mishcon	
	Ms E Jackman	
	Ms K Evans	
<b>IN ATTENDANCE</b>	Ms J Barlow	(Chief Executive)
	Mrs L Haigh	(Finance Manager)
	Ms R Riley	(Support Services Manager)
	Miss C Hogan	(Administrative Secretary)
<b>APOLOGIES</b>	Mr P Spellman	
	Dr V Martlew	(Medical Trustee)
<b>BY INVITATION</b>	Mr N Bennett	(Chair of Partnership Group) for item 589.13 only

### PART A

#### **585.13 Chief Executive**

The Board welcomed Jan Barlow, Chief Executive, who took up post on 3 January 2013.

#### **586.13 Apologies for Absence**

Apologies for absence had been received from Mr P Spellman and Dr V Martlew. Ms R Riley had sent apologies that she had been delayed and would arrive late.

#### **587.13 Minutes of Previous Meeting**

The minutes of the meeting held on 24 September 2012 were agreed as a correct record with the following changes:

Minute 574.12, paragraph 2 'Many beneficiaries' changed to 'Some beneficiaries'.

Minute 578.12, end of paragraph 3 'CF MfT Chairman' changed to 'CF Chairman'.

Minute 580.12, paragraph 1, 'of' to be inserted after 'He informed the Board that he would be writing back to the PG assuring him...'

**588.13 Matters arising from the minutes other than those itemised separately on the agenda**

(i) 5<sup>th</sup> Floor Alliance House (minute 556.12 refers)

JB advised the Board that the proposed office move to the 5<sup>th</sup> Floor of Alliance House would no longer take place. The Caxton Foundation board of trustees would be discussing the matter further, but it was possible that it might be decided not to move from Alliance House. The lease on the 1<sup>st</sup> Floor would expire in February 2014.

(ii) Business Case for committing reserves (minute 574.12 refers)

RE expressed his appreciation to those Trustees who had input into the business case for the Department of Health (DH) submitted on 14 November 2012. There would be further detailed discussion on this item under the finance section of the meeting at 592.13.

**589.13 Partnership Group**

RE welcomed Noel Bennett to the meeting and thanked him for resurrecting the PG as a useful forum for beneficiary/Trust communications. The board had received the minutes of the Partnership Group meeting held in Bromsgrove on 7 December 2012 and NB summarised the key issues.

One key issue was the perceived breakdown of communications between the beneficiary community and the Trust Board, including confusion surrounding what financial assistance could now be asked for and what kind of things people could receive grants for, both through the office and the NSSC. There was a feeling from several of those who attended the PG that the Trust should be there to help those affected but at the moment it was not fulfilling this obligation. Overall, beneficiaries felt there was a lack of transparency and clarity from MFT, and also felt that the tone of some of the communications with beneficiaries was unhelpful. Compounding the financial worries of the beneficiaries was the uncertainty over the government's planned changes to the benefits system that will start to come into effect later this year, and the fact that no decision had yet been reached regarding use of the reserves.

NB highlighted the fear that following the deaths of Lords Morris and Archer there was no longer anyone advocating on behalf of the infected community in Parliament. Some beneficiaries had encountered health care professionals at their local hospitals who were unaware that such a mass infection had ever taken place. There was a general sense that the public face of MFT and of those still living with its effects on a daily basis needed to be raised.

In response to a concern raised by NB that information on Skipton Fund monies received by beneficiaries was being passed on to MFT, in breach of data protection, JB advised that this was absolutely not the case and that data protection boundaries were not being breached.

NB advised that the next PG was likely to be held in Manchester in February 2013. The date is yet to be confirmed.

RE thanked NB for attending the meeting and for sharing the issues arising from the PG with the board.

#### **590.13 National Support Services Committee**

The Board received the minutes of the NSSC meetings held on:

- (i) 10 October
- (ii) 21 November and
- (iii) 18 December 2012

The Board asked for future NSSC dates to be circulated to all Trustees so that they could attend the meetings if they wished.

(iv) The Board noted and agreed the consolidated grant schedule and asked for 2 extra columns to be added in between the 'requested' and 'agreed'. The first to show what percentage of the requests were from primary beneficiaries, widows or dependants and the second to show the grants agreed as an overall percentage of those requested. There was a query raised regarding loans made to beneficiaries who die during the repayment period or are otherwise unable to repay them. The Finance Manager informed the Board that in the event of a beneficiary's death any outstanding money on the loan would be written off. The Board requested that in future a list of those loans that had been written off or remained outstanding be presented regularly to the NSSC.

(v) The Board considered an appeal against a decision made by the NSSC on 9 January 2013. After discussion, non – NSSC members

agreed to uphold the original decision made by the NSSC not to offer the beneficiary a grant on the grounds that exceptional circumstances were not demonstrated but to offer a loan of £3,000 to be paid back over 24 months through the regular payments issued to them.

There followed a discussion regarding the need for increased clarity both in process and communication regarding what can be applied for through the NSSC and what the definition of 'exceptional circumstances' was relating to these. To ensure clarity going forward JB and RR would draft guidance regarding what could be applied for and submit it to the NSSC and Board for consideration. The wider issue of Trust/beneficiary communication would be addressed via the broader work on communication.

## **FINANCE**

### **591.12 Current financial position and end of year projection**

The Board received the analysis of the current financial position as at 31 December 2012 and the year-end projection. JB advised that in addition to the Board having agreed a budget in excess of the DH allocation, there would be small over and underspends for the year on individual budget lines, together with the unbudgeted costs for the =MC work. Overall the overspend at the year-end would be in excess of £500k. This would be funded through investment income and draw down from the reserves.

### **592.13 Use of reserves and budget for 2013/14**

(i) The Chairman advised the Board a decision from the DH regarding the reserves was still awaited, but was expected by the end of January. He was pressurising the DH for an answer and had explained the difficulties this was causing.

(ii) The Board considered recommendations from the NSSC meeting held on 9 January 2013 relating to the winter fuel payments for 2012/13 and discretionary top-up payments for 2013/14. It was agreed that winter fuel payments would be made to all primary beneficiary households. The amounts would be £500 for those in the £0-7,600 and £7,601-15,200 income brackets and £250 for the remaining brackets up to £37,900. A winter fuel payment could not be afforded for non-infected widows. A decision on the discretionary top-up payments for 2013/14 was deferred pending the announcement from the DH regarding the 2013/14 allocation.

(iii) A draft, illustrative, budget for 2013/14 was considered by the Board which was based on the same assumptions as 2012/13. However, JB explained that it would be impossible to set a meaningful budget until the allocation for the following financial year had been confirmed by the DH. RE advised that it may be necessary to hold an extra Board meeting when the allocation was known. CH would canvas for availability on 11 and 18 February outside of the meeting.

RM tabled a draft, proposed letter to the Minister; this item had not been advised to the Chair or Chief Executive in advance.

There was considerable discussion regarding the draft letter and the pros and cons of sending it at this stage. JB expressed the view that to send a letter of the nature of the one tabled to the Minister in advance of any decision being made would not be constructive, and would also remove any room for further negotiation if an unfavourable answer was received. Whilst several trustees were still in favour of sending the letter, others were either unsure or against, and two trustees were also not present. RE was not prepared to sign the letter. AB asked it to be recorded that he was unhappy with RE's decision not to sign. RE therefore proposed that the letter be forwarded to JB, together with any amendments proposed, for her and RE to develop further with a view to sending to the Minister should we receive an unfavourable response.

### **593.13 Investment Report**

The Board noted that the return on the Trust's investments was lower than expected. It was agreed that The Chairman, Chief Executive and Finance Manager would meet with the investment advisors to discuss this. The Finance Manager informed the Board that the investment managers had, up until this point, been waiting for a decision on drawing down of the reserves which had impacted on their investment actions.

It was also agreed that Martin Harvey should be removed as an authorised signatory on the same accounts with effect from 31 August 2012.

### **594.13 Bank Mandates**

The detail of this minute is recorded in Part B for security reasons.

**595.13 Audit Timetable**

The draft timetable for the audit of the 2012/2013 annual accounts was noted by the Board.

**GOVERNANCE & POLICY**

**596.13 Future governance arrangements for deciding policy**

RE explained that as JB was now in post, any future policy changes would be developed by her, engaging any relevant Trustees' input before being brought for Board approval. This was in accordance with the decision at the meeting held on 24 July 2012 (min number 558.12 refers). It was decided that there was currently no need for any other preliminary forum for these discussions.

**597.13 The Caxton Foundation/Macfarlane Trust Liaison Committee**

The Board received the unconfirmed minutes of the Liaison Committee meeting held on 19 December 2012. The Chairman stated that as there was more discussion needed regarding the liaison meeting, this would be returned to in the Part B section of the Board meeting.

**MANAGEMENT**

**598.13 Communications Strategy**

The Board received an interim report from Kate Evans on the beneficiary survey she has been undertaking. Based on the results collected so far, postal responders seemed more satisfied on the whole with the MFT level of service whereas those who responded online had a more negative view of the Trust and its engagement with them.

KE reiterated that as the closing date for the survey was not until the end of February, the results did not illustrate the full picture as yet.

**599.13 Chairman's Report**

The Board received the Chairman's report and noted that the new blue star MFT logo would now be adopted on all Trust stationery.

**600.13 Any Other Business**

MG made the Board aware that there was concern within the beneficiary community that there seemed to be no fixed term of office for Trustees. It was confirmed that from the appointing bodies there tended to be a fixed term of 3 years in the first place after which if the Trustee wished to continue, they were able for another three years. The Department of Health appointed Trustees were similarly open to this process, but were unable to stand for more than 10 years. (Minute 530.12 from the meeting of the Board held on 30 January 2012 states these terms in more detail.).

**601.13 Date of next meeting**

The dates of the next two Board meetings were put back by one week from the original dates to the following:

Monday 29 April 2013

Monday 29 July 2013

There being no further business to be discussed in Part A, the staff left at 2.40pm.